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Important Information about the Criminal Background Process for Certified Nurse Aides and Personal Care Assistants

There are several items of importance regarding the Criminal Background Investigation Process for Certified Nurse Aides and Personal Care Assistants we would like to bring to your attention. These changes will affect staff from your facility starting this spring.

The old paper fingerprint cards will not be accepted after March 31, 2003. The new electronic process for obtaining criminal history information has been in place since mid-December, 2002. The system requires that the CNA or CNA candidate report to a vendor with a special form to have their fingerprints recorded. We will not accept the old paper fingerprint cards after March 31, 2003, as the State Police have advised that they cannot process them after that date. If any CNAs have done their fingerprints on the old paper cards, they must be sent in immediately or the CNA will need to have their prints redone electronically. If your facility needs a supply of the fingerprint forms, you should contact the Criminal Background Unit. These forms are not to be duplicated by facilities, as facsimiles of the form will be rejected by the vendor. Be sure to include your facility name and mailing address.

Old extensions expiring on June 30, 2003. Facilities were issued extensions prior to the fall of 2002 where the faxed request was returned with a stamp indicating that the certification was extended until the CBI process was completed. In other instances, facilities were advised to use the "blue copy" of the application affidavit to continue an employee "in status". The backlog which resulted in these extension requests has largely subsided. Further, the extension process was automated in the fall of 2002, where extensions are returned on an identifiable form to the facilities for a period of 120 days. The old "stamped" extensions and the "blue copy" extensions will cease to be valid after June 30, 2003. Your CNA staff must either have a valid certification or a valid extension issued by the Department on the approved form. If individuals currently are operating under extensions issued by the old method and have not completed their background check by the beginning of June, 2003, you should process a new extension request for them at that time.

Many CNAs are failing to appear at their appointments to be certified. This can result in the suspension of their CNA certificate! The vendor and State Police have reported that a significant number of CNAs do not show up for their fingerprint appointments, and do not call to cancel or reschedule. It is imperative that the CNA either **show up** for their appointment OR **call the vendor** at (877) 503-5981 to cancel their appointment 24 HOURS IN ADVANCE, or the CNA will be reported to us for failing to comply with the fingerprint requirements. State law provides that any CNA who fails to cooperate with the fingerprint process shall be denied certification or have their current certification revoked. (N.J.S.A. 26:2H-83(c)). In order to avoid action against their certification, every effort must be made to show up for the fingerprint appointment.

Procedure for requesting nurse aide certification extensions: Extensions to the expiration date of nurse aide certifications are granted when, for reasons beyond the control of the nurse aide, they have not received the results of their criminal history check prior to their certification expiration date. This means that prior to their certification expiration date, they **MUST** have completed the fingerprint appointment. If a delay ensues after the fingerprints are taken, the facility may request an extension of time on the certification. These extension requests are faxed or e-mailed to the Criminal Background Unit, and must contain the facility letterhead, contact person, the name of the nurse aide, their social security number, their nurse aide certificate number and the certification expiration date. **You must allow 7 working days to receive a response.** Responses are faxed back to the facility on a Department issued form, so please be sure that your facility fax number is on the request. All extensions are valid for a period of 120 days from the date of issue, and are retroactive to the certification expiration date. Extensions **CANNOT** be granted unless the CBI process is started **PRIOR** to the candidate's certification expiration date. Extensions will not be granted if the candidate has failed to respond to Department requests for information, or failed to complete a portion of the background check (for example, candidate needed to obtain a new Federal fingerprint image and failed to do so after several months).

Employing nurse aide candidates prior to the completion of the training program and criminal background check processes: Facilities have requested clarification on the use of non-certified personnel as nurse aides. State law permits a facility to use a non-certified person as a nurse aide for a period of up to 120 days, provided that the person has filed a criminal background application (affidavit) attesting that they have not been convicted of a disqualifying offense, and that they complete the Federally mandated training and testing by the 120th day of employment (and are fully certified). If the person has answered "no" to questions one and two on the CBI application, they may work for up to 120 days. If they have answered "yes" to question one or two, they **MAY NOT** work until cleared by the CBI unit. Prospective employees should show you their CBI application and you should retain a copy in your files. Additionally, the 120 days are total time employed. If an employee works 100 days and has a break in service, and then returns, she or he has 20 days remaining under the law.

Contacting the Criminal Background Investigation Unit: We receive many calls each day. We have limited staff to handle the calls, so there may be an extended wait time when calling the unit. There is no call intercept system which would answer your call and put you in a queue; the phone rings until your call is next in order. This saves the nurse aide from incurring a toll charge until their call is actually answered. Please be patient, and hang on the line. Calls are answered in the order they are received. If you prefer, you can call us at (609) 292-4303, fax us at (609) 341-3552 or e-mail us at Raymond.Sweeney@doh.state.nj.us.

Thank you for your continued support and assistance with this process!